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7 Attorneys for Defendant,
8 ALBERTSONS, LLC.

9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 MICHAEL A. CALIX,

12 Plaintiff,

CASE NO.: 2:14-cv-01392-RCJ-VCF

13 vs.

14 ALBERTSON'S, LLC; ROE
15 CLEANING COMPANY; and DOES
16 1-20, and ROE BUSINESS ENTITIES
1-20, inclusive,

17 Defendants.

18 **STIPULATION AND ORDER FOR EXTENSION/MODIFICATION OF DISCOVERY**
19 **PLAN AND SCHEDULING ORDER**
20 **(THIRD REQUEST)**

21 Plaintiff, MICHAEL CALIX, and Defendant, ALBERTSONS, LLC, by and through
22 their undersigned counsel, submit to the Court the following Stipulation and Order for
23 Extension/Modification of the Discovery Plan and Scheduling Order pursuant to LR 26-4 (a)
24 and to Court Order Document No. 10.

25 **I. Local Rule 6-1**

26 Under LR 6-1(b) every stipulation to extend time must inform the court of any previous
27 extensions granted and state the reason for the extension requested.
28



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1 **A. The Requirement of Local Rule 6-1 Are Satisfied**

2 This is the third request for extension filed by the parties. This extension is requested so
3 that Defendant may continue to compile Plaintiff's medical records both allegedly related to this
4 matter's subject incident and his pre-incident injuries and treatment. Additionally, Plaintiff has
5 been recommended for future surgical intervention for injuries allegedly related to the subject
6 incident. Lastly, Defendant is currently in the process of coordinating an FRCP Rule 35
7 Examination of Plaintiff prior to his anticipated upcoming surgery.
8

9 **II. Local Rule 26-4(a)**

10 Under LR 26-4 (a) a statement specifying the Discovery completed:

11 Plaintiff has provided responses to Defendant's written discovery requests. Both
12 Plaintiff and Defendant have exchanged their initial documents and witness disclosures, and
13 various supplements thereto. Defendant has subpoenaed Plaintiff's various treating medical
14 providers, but is still awaiting responses from at least five (5) medical providers unresponsive to
15 these subpoenas. Plaintiff has performed a visual inspection and testing of the subject incident
16 area on February 26, 2015, which was cut short due to mechanical issues. Plaintiff's site
17 inspection and testing is currently scheduled to be completed on May 27, 2015. Lastly,
18 Plaintiff's deposition was conducted on January 29, 2015.
19

20 **III. Local Rule 26-4(b)**

21 Under LR 26-4(b) a specific description of the Discovery that remains to be completed:

22 The remaining Discovery to be completed involves initial and rebuttal expert
23 disclosures, depositions of initial and rebuttal experts, Plaintiff's treating providers, Defendant's
24 30(b)(6) witness(es) and designated fact witnesses. Additionally, Defendant is currently
25 awaiting responses to subpoenas from at least five (5) of Plaintiff's medical providers. As well,
26
27
28



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1 Defendant is currently coordinating to schedule an FRCP Rule 35 Examination of Plaintiff prior
2 to his anticipated upcoming surgery. Plaintiff's site inspection and testing is currently
3 scheduled to be completed on May 27, 2015.

4
5 **IV. Local Rule 26-4(c)**

6 Under LR 26-4(c) the reasons why Discovery remaining was not completed within the
7 time limits set by the Discovery Plan:

8 Defendant is still awaiting responses to subpoenas for medical records to at least five (5)
9 providers disclosed by Plaintiff. Plaintiff has possible pre-existing conditions. Due to the
10 unresponsiveness of these providers, significant discovery and investigation into Plaintiff's
11 significant treatment history has been impossible to complete. Defendant has been diligent in
12 attempting to secure responses to these subpoenas, however, these responses to these subpoenas
13 are still outstanding. Further, Plaintiff testified during deposition to numerous out-of-State
14 providers he could not recall treating with, as such Defendant is currently investigating same to
15 determine and subpoena possible additional providers. Lastly, due to Plaintiff's intention to
16 undergo future surgical intervention for injuries allegedly related to the subject incident, the
17 parties respectfully request a continuance to this matter's current expert and discovery
18 deadlines.
19
20

21 **V. Local Rule 26-4(d)**

22 Under LR 26-4(d) a proposed schedule for completing all remains Discovery:

- 23 (i) Discovery cutoff dates: Extend the current Discovery cutoff date from August
24 24, 2015, to a Discovery cutoff date of October 23, 2015;
25
26 (ii) Expert witness disclosures from June 25, 2015 to a new date of August 24, 2015;
27
28 (iii) Rebuttal expert witness disclosures from July 24, 2015 to September 23, 2015;



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(iv) Submittal of the Joint Pre-Trial Order (if no Dispositive Motions are filed) to be extended to December 21, 2015;

(v) Interim Status Report extended to August 24, 2015; and

(vi) Final date to file Dispositive Motions extended from September 23, 2015 to November 23, 2015.

Therefore, good cause existing, counsel jointly request that this Honorable Court allow them the above proposed extended Discovery dates.

DATED this 21st day of May, 2015.

RICHARD HARRIS LAW FIRM

**MORAN BRANDON BENDAVID
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/s/ Seth R. Little, Esq.

SETH R. LITTLE, ESQ.

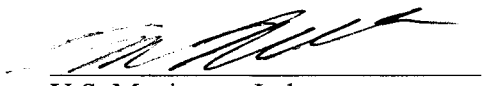
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IT IS SO ORDERED.


U.S. Magistrate Judge

Dated: 5/22/15



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